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**MEMO ENDORSED**

U.S. COURTHOUSE  
 500 Pearl Street  
 New York, New York 10007-1312

ATTN: Honorable Judge Kenneth M. Karas

07 CR 280 (KMK)

RE: USA v. Baez and Vitale - Docket #07M16280 (KMK)

Dear Judge Karas:

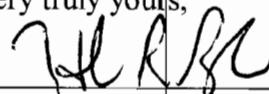
On August 9, 2007 co-Defendant Nickhoulas Vitale will be moving this Court for certain relief concerning the above entitled matter.

Co-Defendant Iris Baez is not a party to this motion.

Is it imperative that Ms. Baez or counsel appear on this date?

I will be out of the country on this date.

Very truly yours,

  
 HOWARD R. BIRNBACH

cc: Asst. U.S. Attorney Wong (via fax)  
 Vincent Romano, Esq. (via fax)

Mr. Birnbach and Ms. Baez  
 need not appear at the August 9, 2007  
 conference.

So Ordered,  
  
 8/6/07